

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, FEBRUARY 20, 2009
9:30 A.M.**

**CHIEF JUSTICE'S RECEPTION ROOM
TEMPLE OF JUSTICE
415 12TH AVENUE SW
OLYMPIA, WASHINGTON**

Board for Judicial Administration Membership

VOTING MEMBERS:

Chief Justice Gerry Alexander, Chair
Supreme Court

Judge Vickie Churchill, Member-Chair
Superior Court Judges' Association
Island County Superior Court

Judge Marlin J. Appelwick
Court of Appeals, Division I

Judge Rebecca M. Baker
Superior Court Judges' Association
Ferry/Stevens/Pend Oreille Superior Courts

Judge Ronald Culpepper
Superior Court Judges' Association
Pierce County Superior Court

Judge Sara Derr
District and Municipal Court Judges'
Association
Spokane County District Court

Judge Susan Dubuisson
District and Municipal Court Judges'
Association
Thurston County District Court

Judge Deborah Fleck
Superior Court Judges' Association
King County Superior Court

Judge Michael Lambo
District and Municipal Court Judges'
Association
Kirkland Municipal Court

Judge Marilyn Paja, President
District and Municipal Court Judges'
Association
Kitsap County District Court

Justice Barbara Madsen
Supreme Court

Judge Richard McDermott, President
Superior Court Judges' Association
King County Superior Court

Judge Robert McSeveney
District and Municipal Court Judges'
Association
Kent Municipal Court

Judge Christine J. Quinn-Brintnall
Court of Appeals, Division II

Judge John Schultheis
Court of Appeals, Division III

NON-VOTING MEMBERS:

Judge C.C. Bridgewater, Presiding Chief
Judge
Court of Appeals, Division II

Judge Tari Eitzen, President-Elect
Superior Court Judges' Association
Spokane County Superior Court

Mr. Jeff Hall
State Court Administrator

Mr. Mark Johnson, President
Washington State Bar Association

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Mr. Salvador Mungia, President-Elect
Washington State Bar Association

Judge Glenn Phillips, President-Elect
District and Municipal Court Judges'
Association
Kent Municipal Court

Board for Judicial Administration

February 20, 2009
9:30 a.m.
Temple of Justice – Reception Room
415 12th Avenue SW, Olympia

Agenda

1. Call to Order	Chief Justice Gerry Alexander Judge Vickie Churchill	
2. Welcome and Introductions	Chief Justice Gerry Alexander Judge Vickie Churchill	
Action Items		
3. January 16, 2009 Meeting Minutes Action: Motion to approve the minutes of the January 16 meeting	Chief Justice Gerry Alexander Judge Vickie Churchill	Tab 1
4. Bail Forfeiture - Proposed Revision to CrRLJ 3.2 Action: Motion to recommend to the Supreme Court the DMCJA's proposed revision to CrRLJ 3.2	Judge Marilyn Paja	Tab 2
5. Local Option User Fee Issue Action: Motion to affirm the BJA Legislative Executive Committee's recommendation to oppose legislation creating local option user fees.	Judge Vickie Churchill	Tab 3
Reports and Information		
6. Legislative Report	Ms. Mellani McAleenan	Tab 4
7. Budget Report	Mr. Ramsey Radwan	
8. Access to Justice Board	Mr. M. Wayne Blair Judge Steven González	
9. Washington State Bar Association	Ms. Paula Littlewood	
10. Reports from the Courts Supreme Court Court of Appeals Superior Courts Courts of Limited Jurisdiction	Justice Barbara Madsen Judge Marlin Appelwick Judge Richard McDermott Judge Marilyn Paja	
11. Administrative Office of the Courts	Mr. Jeff Hall	
12. Other Business BJA Financial Report Next meeting: March 20 Beginning at 9:30 a.m. at the Temple of Justice, Olympia	Chief Justice Gerry Alexander Judge Vickie Churchill Ms. Mellani McAleenan	

**Board for Judicial Administration
Meeting Minutes**

**January 16, 2009
Temple of Justice
Olympia, Washington**

Members Present: Chief Justice Gerry L. Alexander, Chair; Judge Vickie Churchill, Member-Chair; Judge Marlin Appelwick; Judge Rebecca Baker; Judge C. C. Bridgewater; Judge Sara Derr; Judge Susan Dubuisson; Judge Tari Eitzen; Judge Deborah Fleck; Mr. Jeff Hall; Mr. Mark Johnson; Judge Michael Lambo; Justice Barbara Madsen; Judge Richard McDermott; and Judge Marilyn Paja

Guests Present: Ms. Emily Dahl, Mr. Darren Digiacinto, Ms. Betty Gould, Judge Doug Haake, Ms. Marti Maxwell, Ms. Barb Miner, Mr. Joe McGuire, and Mr. Michael Merringer

Staff Present: Ms. Ashley DeMoss, Ms. Beth Flynn, Mr. Dirk Marler, Ms. Mellani McAleenan, Ms. Regina McDougall, and Mr. Chris Ruhl

Chief Justice Alexander called the meeting to order.

December 12, 2009 BJA Minutes

It was moved by Judge Appelwick and seconded by Judge Paja to approve the December 12, 2008 BJA meeting minutes. The motion carried.

BJA Public Trust and Confidence Committee Member Appointments

It was moved by Judge Derr and seconded by Judge Dubuisson to approve the appointments of Judge Rod F. Fitch of Yakima County District Court and Judge Scott Stewart of Issaquah Municipal Court to the BJA Public Trust and Confidence Committee. The motion carried.

Legislator's Guide

Ms. McAleenan presented the Legislator's Guide to the Court System to the BJA. The Guide was distributed to legislators during the Law School for Legislators last week and it will be e-mailed to all legislative assistants. The plan is to distribute the Guide to all legislators this year and then only distribute it to new legislators as they come on board.

In the future, Ms. McAleenan would like to expand the Guide to cover the judicial branch as a whole rather than just the courts. The Guide will be updated and distributed to legislators every two years.

Legislative Update

Ms. McAleenan reported that most of the BJA request legislation have bill numbers assigned, have been dropped, and the committee chairs have scheduled hearings up front. It is taking longer to drop the jury pay bill.

The King County District Court and Benton County District Court judicial position bills will be heard in the Senate Judiciary Committee today and in the House Judiciary Committee on Monday. The Court of Appeals, Division II, judicial position bill will be heard in the House Judiciary Committee on Monday.

The Washington Center for Court Research bill will be heard in the Senate in a few weeks and the Office of Public Defense was included in the bill because they would like to amend the same law.

Geographic Information System Report

Ms. McAleenan stated that the Administrative Office of the Courts (AOC) has been working with a vendor on a geographic information system (GIS) for Washington courts. The information is useful in that it enables people to understand court structure across the state. AOC would like to post an interactive court information page on the AOC Web site. The plan is to have this information available internally and not accessible to the public at this point in time.

Trial Court Coordination Progress Report

The Trial Court Coordination Progress Report was included in the meeting materials.

The fall Trial Court Coordination Report prompted a request by the BJA for information regarding juror turnout as a result of King County's jury duty bus advertisement project. Ms. McAleenan stated King County will most likely report on their project during the April BJA meeting.

Budget Update

Mr. Hall reported that the Supreme Court sent a letter to the Legislature stating the judicial branch was limiting their funding requests and included a proposal for cutting current biennium costs. The Legislature appreciated the proposed cuts and requested further cuts. Mr. Hall has contacted affected parties requesting suggestions for further cuts.

If the budget cuts are less than 10%, the cuts will be applied across the board. That method is easy mathematically and politically. Cuts less than 10% will most likely not

cripple programs. Once the cuts rise above 10%, specific program cuts will be targeted. If that happens, the court community will be consulted regarding the cuts.

Proposed Revision to CrRLJ 3.2

Judge Paja reported that the District and Municipal Court Judges' Association (DMCJA) plans to submit a rule change to the Supreme Court regarding CrRLJ 3.2. The rule change would 1) establish a simplified bail schedule for misdemeanors and gross misdemeanors but local jurisdictions could enact bail schedules that reflect local conditions and priorities; 2) allow disposition of criminal matters only after a finding of guilt that involves all constitutionally required due process; and 3) shift adoption of penalties back to the Legislature or to the agency/commission charged with enacting rules in the defined area.

Some problems encountered because of the current rule are that current dollar values for bail do not adequately reflect the perceptions of crime severity. Bail forfeiture as a final disposition in criminal matters is problematic because the Legislature has provided no definition or guidance regarding the effect of bail forfeiture. The JIS computer does not fully support disposition by bail forfeiture. Allowing forfeiture of bail without a finding of guilt and constitutionally mandated colloquy is inappropriate. The Washington State Legislature has not delegated authority to the court to enact criminal penalties.

The DMCJA has been debating this proposed rule change for more than two years. The main concerns voiced by members of the DMCJA against revising the rule are that 1) without bail forfeiture as a quick tool to handle the volume of DWLS 3 and/or misdemeanor fish/wildlife violations, court calendars will become further congested and unmanageable; 2) elimination of this method of dealing with these charges will increase the impact on local jurisdiction funding of prosecutor and public defender resources.

Judge Paja stated that the DMCJA is requesting that the BJA take action in terms of supporting the proposed rule change.

This item will be added to the action calendar for the next meeting.

COSCA 2008 Midyear Resolutions

At the Conference of State Court Administrators (COSCA) mid-year meeting in December 2008, four resolutions were adopted:

- Resolution 1 – In Support of Promoting a Culture of Transparency and Accountability Through Court System Performance Measures
- Resolution 2 – In Support of Ratification of the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance and in Support of Conforming Changes to the Uniform Interstate Family Support Act

- Resolution 3 – In Support of Strengthening Court Oversight and Performance in Child Abuse and Neglect Cases
- Resolution 4 – In Support of the International Framework for Court Excellence.

Mr. Hall stated the resolutions were included in the meeting packet for the BJA's information.

Legal Financial Obligation Report

Ms. Miner reported that the Washington State Association of County Clerks is required to send a yearly Legal Financial Obligation (LFO) report to the Legislature and a copy of the November 2008 report was included in the meeting materials.

In 2008 there was a 2.3% overall increase in collections from the prior year and restitution payments to victims of crime increased 16.5% over 2007 collections.

Ms. Miner stated that the funding to support the LFO collections has remained at the same level since the passage of ESSB 5990. The lack of increased funding has hamstrung them a bit because the cost of doing business has increased.

Washington State Bar Association

Mr. Johnson stated that the Washington State Bar Association (WSBA) Board of Governors (BOG) has a meeting next week with the Supreme Court. They will be moving forward on the review and recommendations of the American Bar Association (ABA) Discipline and Review Team. One of the recommendations was to operate a discipline department separate from the WSBA. A few of the WSBA governors are looking into the recommendation but they believe it would be very expensive.

Judge Steven Gonzalez and Mr. John McKay have tentatively agreed to lead a committee to address a civil Gideon issue and develop long-term solutions.

Reports from the Courts

Supreme Court: Justice Madsen reported that on Monday the Supreme Court held the swearing-in ceremony for the Chief Justice and the three justices who were recently re-elected—Justices Mary Fairhurst, Charles Johnson and Debra Stephens. It was a very nice ceremony and Governor Christine Gregoire attended.

Tuesday was the first day of oral arguments for the winter term.

On Wednesday the Supreme Court attended the State of the State Address by the Governor en banc. The justices also swore in the recently elected state officials. That

evening, they attended the Governor's Inaugural Ball and the Temple of Justice was one of the venues.

Court of Appeals: Judge Bridgewater stated that the Court of Appeals is keeping busy with the budget crisis.

Superior Courts: Judge McDermott reported that most of the Superior Court Judges' Association's (SCJA) recent efforts have been legislative. It is important for the Legislature to recognize that the judicial branch is a unique branch of government and the branch cannot hold back services. Justice delayed is justice denied.

The SCJA is meeting with Eldon Vail, Secretary of the Department of Corrections (DOC) to discuss ways to work together to promote and expand the use of Community Drug Offender Sentencing Alternative (DOSA). It is estimated the state could spend \$3 million and save \$6 million if they implement the suggestions of the SCJA. The SCJA would like funding for up to 240 Community DOSA beds. Judge McDermott discussed this issue with some legislators who stated if the SCJA had research supporting the savings claims, they might be willing to support the proposal.

The next SCJA Board of Trustees meeting is February 7.

Courts of Limited Jurisdiction: Judge Paja reported that a few months ago there was discussion in the DMCJA regarding court closures. The statute related to cities is different in that it gives cities the authority to determine court days, not the court. District courts have had some pressure with regard to court closures.

Spokane has created a separate municipal court and appointed three judges.

With other justice system partners, the DMCJA has been working on the issue of driving while license suspended in the third degree cases and court calendars. About 40% of limited jurisdiction caseloads statewide are DWLS-3 related. The DMCJA is looking at this issue carefully. The Office of Public Defense is working on a study to determine how these types of cases are being defended statewide. The AOC is working to determine if having a license suspended is the impetus to get the license reinstated or is it that those case types are usually for people who cannot afford to renew their license.

There being no further business, the meeting was adjourned.

Proposed Revision to CrRLJ 3.2 Materials

1. Rule change coversheet
2. Draft of proposed rule change
3. DMCJA broadcast e-mail to membership regarding proposed change
4. Summary of DMCJA membership response to proposed rule change
5. DMCJA President's Report to membership regarding Board action for change to CrRLJ 3.2

GR 9 COVER SHEET

Suggested Amendment **Criminal Rules for Courts of Limited Jurisdiction (CrRLJ)** **Rule Amendment 3.2 Release of Accused**

- (A) **Name of Proponent:** District and Municipal Court Judges' Association (DMCJA)
- (B) **Spokesperson:** Judge Marilyn G. Paja, President, DMCJA
- (C) **Purpose:** CrRLJ 3.2 is entitled "Release of Accused" and establishes a bail schedule for 25 enumerated criminal offenses as conditions of release from custody in criminal matters. Bail amounts range from \$100 to \$500.

CrRLJ 3.2 (c) also provides for forfeiture of bail as a final disposition in some criminal matters. The Legislature has not provided for or defined bail forfeiture as a final disposition in criminal matters except in the limited context of violation bureaus established under RCW 3.30.090, RCW 3.50.030, and RCW 77.15.050. It is unclear what effect bail forfeiture as a final resolution has on individuals' criminal history or whether it can be used to enhance a subsequent offense or penalty.

The rule also includes a schedule of criminal penalties. The Washington legislature has enacted criminal penalties for gross misdemeanors and misdemeanors at RCW 9.92.020 (up to 1 year in jail and \$5,000 fine for gross misdemeanors) and 9.92.030 (up to 90 days jails and \$1,000 fine for misdemeanors). The legislature has not delegated authority to the Supreme Court to modify or otherwise revise those penalties. Various executive branch agencies or commissions charged with regulation and enforcement in specific areas have requested the Supreme Court to enact criminal penalties in court rule. The penalty amounts set in court rule have little if any relationship to the penalties set by the legislature. There have also been practical problems with keeping schedules current as the agencies and commissions have not always been timely in notifying the court of needed changes, which has resulted in and discrepancies between agency/commission expectations and published information.

Proposed Amendments—

Bail: The bail amounts set in CrRLJ 3.2 have not been revised since the rule was originally published. The amounts and listed offenses

were apparently adopted based on the City of Seattle bail schedule in effect at the time of adoption. There is no currently recognized rationale behind the offenses listed. Bail amounts do not reflect current dollar values and do not adequately respond to current perceptions of crime severity. It is recommended that the court establish a simplified bail schedule for misdemeanors and gross misdemeanors of \$500 and \$1,000 respectively. It is anticipated that the court rule schedule will be a default schedule and that local jurisdictions will enact bail schedules that reflect local conditions and priorities; the default amounts will provide some guidance in determining locally appropriate bails amounts.

Forfeiture: Bail forfeiture has been used as a final disposition in criminal matters probably arising out of the old Justice of the Peace system that concerned a requirement that bail be posted before a defendant could request a jury trial on a speeding ticket. Under that system if the defendant failed to appear for trial, bail was forfeited and the case finally resolved. This antiquated system has been used for many years as a way to resolve criminal charges as diverse as DUI, assault and communication with a minor, but most often for misdemeanor charges such as DWLS3rd, Unlawful Recreational Fishing, or Transporting a Loaded Weapon. Bail forfeiture as a final disposition in criminal matters is problematic for a number of reasons. First, the legislature has provided no definition of bail forfeiture (for example, Is it a conviction? Can it be used as criminal history for sentencing considerations?). Confusingly in at least two instances the legislature has equated bail forfeiture to a conviction (RCW 46.20.270(4) concerning traffic matters provides that if money is paid, including bail forfeiture, DOL will consider the matter a conviction. RCW 77.15.050 concerning Fish & Wildlife matters provides that if money is paid, including bail forfeiture, F&W will consider the matter a conviction. In either case, the designation of 'conviction' may result in impingement of substantial rights including immigration consequences.) Second, the AOC computer system automatically changes a Bail Forfeiture (BF) code to Guilty (G) if the bail forfeiture is not paid and the case is sent for collection, thus imposing a conviction for a person who may not have been adequately advised of his Constitutional rights in that regard. Third, the legislature has not delegated authority to the Court to enact bail forfeiture in amounts that differ from misdemeanor and gross misdemeanor penalties set in statute. Fourth, if bail forfeiture is defined as or results in conviction of a criminal charge, allowing that forfeiture of bail without a finding of guilt and constitutionally mandated colloquy is inappropriate. The proposed revision would eliminate the allowance of bail forfeiture as a final disposition in criminal matters. (Bail might however still be forfeited for a failure to appear in a case, in that event, the case is not

closed but remains open for resolution until the defendant appears before the court.)

Penalties: The Washington legislature has not delegated authority to the court to enact criminal penalties. The legislature should create penalties for all criminal charges, either through direct legislation or by delegated rule-making authority. The legislature has created executive agencies and commissions that are charged with regulation and enforcement in defined areas. The legislature has delegated rule making authority to those agencies or commissions within their areas of responsibility. The legislature has also provided procedures for exercising rule making authority.

By asking the Supreme Court to enact criminal penalties, the agencies and commissions have effectively substituted Supreme Court rule making procedures for the requirements of the Administrative Procedures Act (APA), Chapter 34.05 RCW. One purpose of the APA is to ensure that interested parties have an opportunity to be heard on proposed rules, including penalties. While the Supreme Court rule making process provides the openness and opportunity to comment anticipated by the APA, it may not be apparent to interested parties that they need to watch the Supreme Court rule making process in order to participate.

The proposed revision would shift adoption of penalties back to the legislature or to the agency/commission charged with enacting rules in the defined area.

(D) Hearing: None recommended.

(E) Expedited Consideration: The DMCJA requests expedited consideration of this rule change to allow the rulemaking to be considered and continued outside of the normal time line for Supreme Court rulemaking. The change of policy and process would need to be coordinated with legislative changes in statutes and the regulatory agencies whose bail amounts are currently set in court rule. The effective date of the potential rule amendment would need to be set in conjunction with changes in law and those agencies.

CrRLJ 3.2 RELEASE OF ACCUSED—Proposed Revision

(a) through (l) are unchanged

~~(m) Forfeiture. Nothing contained in this rule shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.~~

(n) Accused Released on Recognizance or Bail--Absence--Forfeiture. If the accused has been released on the accused's own recognizance, on bail, or has deposited money instead thereof, and does not appear when the accused's personal appearance is necessary or violates conditions of release, the court, in addition to the forfeiture of the recognizance, or of the money deposited, may direct the clerk to issue a bench warrant for the accused's arrest.

(o) Bail in Criminal Offense Cases--Mandatory Appearance.

(1) When required to reasonably assure appearance in court, bail for a person arrested for ~~the following criminal offenses listed in this rule or comparable ordinances shall be the amount listed in this rule:~~ a misdemeanor shall be \$500 and for a gross misdemeanor shall be \$1,000. In an individual case and after hearing the court for good cause recited in a written order may set a different bail amount.

(2) A court may adopt a local rule requiring that persons subjected to custodial arrest for a certain class of offenses be held until they have appeared before a judge.

~~(3) Forfeiture of bail shall not constitute a final disposition for a mandatory offense or comparable ordinance without a written order of the court showing the reasons. The order may be a simple docket entry. If the court allows forfeiture of bail for a mandatory offense, it may accept bail in an amount no less than that set forth in these rules as full payment including all statutory assessments.~~

BAIL

- | | | |
|----|--|-------|
| 1. | Driving while under the influence; physical control (RCW 46.61.502; 46.52.100; 46.61.504) | \$500 |
| 2. | Driving while under the influence nonhighway vehicle or | |

	snowmobile (RCW 46.09.120(2))	\$500
3.	Operating nonhighway vehicle or snowmobile so as to endanger human life, etc. (RCW 46.09.130; 46.10.130) —	\$500
4.	No valid driver's license (without identification) (RCW 46.20.021)	\$250
5.	Unlawful possession or use of a driver's license (RCW 46.20.0921)	\$100
6.	Driving while license suspended or revoked in the first and second degrees (RCW 46.20.342) —	\$500
7.	Driving while license suspended or revoked in the third degree (RCW 46.20.342)	\$250
8.	Violating occupational license restrictions (RCW 46.20.410)	\$200
9.	Financial responsibility suspension (RCW 46.29.610, .620) —	\$100
10.	Transporting dangerous articles (RCW 46.48.175)	\$500
11.	Unattended hit and run (RCW 46.52.010)	\$250
12.	Attended hit and run (RCW 46.52.020)	\$500
13.	Reports of repairs, concealing evidence (RCW 46.52.090)	\$500
14.	Confidentiality of driving records (RCW 46.52.130) —	\$500
15.	Failure to obey police officer, flagger, or fire fighter (RCW 46.61.015) —	\$250
16.	Failure to cooperate with or give information to police officer (RCW 46.61.020) —	\$100
17.	Failure to stop and give information (RCW 46.61.022)	\$100
18.	Reckless driving (RCW 46.61.500) —	\$500
19.	Racing (RCW 46.61.530) —	\$500
20.	Leaving children unattended (RCW 46.61.685) —	\$250
21.	Unfair motor vehicle business practices (RCW 46.70.170) —	\$250
22.	Unlawful operation of for hire vehicles (RCW 46.72.100) —	\$250
23.	Motor vehicle wreckers (RCW 46.80.170) —	\$500
24.	Driving training schools (RCW 46.82.390) —	\$250
25.	First Degree Negligent Driving (RCW 46.61.525) —	\$250
		Bail

(p) (Reserved.)

(q) (Reserved.)

(r) ~~Forfeitable Wildlife and Fisheries Offenses. The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:~~

WHERE A BAIL AMOUNT IS SHOWN, THE			70%	35%		
BREAKDOWN IS:			BAIL	PSEA	PSEA	TOTAL
RCW	WAC	TITLE				
77.15.120.4		Take endangered fish or wildlife, 2nd degree (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
77.15.120.2		Take endangered fish or wildlife, 1st degree (Mandatory appearance, F)	\$1,316	\$921.20	\$460.60	\$2,698
77.15.130		Take protected fish or wildlife (M)	\$132	\$92.40	\$46.20	\$271
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-117	Raptor marking	\$79	\$55.30	\$27.65	\$162
	232-12-121	Raptor reporting	\$79	\$55.30	\$27.65	\$162
	232-12-129	Captive raptor propagation	\$79	\$55.30	\$27.65	\$162
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162

77.15.140		Take unclassified fish or wildlife (M)	\$53	\$37.10	\$18.55	\$109
	232-12-055	Hunter-orange	\$53	\$37.10	\$18.55	\$109
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-242	Hunt wildlife during deer or elk season	\$132	\$92.40	\$46.20	\$271
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
77.15.150		Use poisons or explosives (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.160.1		Catch record card (I)	\$39	\$27.30	\$13.65	\$80
77.15.160.2		Use barbed hooks (I)	\$39	\$27.30	\$13.65	\$80
77.15.160.3		Rule of commission or director designated as infraction (I)	\$39	\$27.30	\$13.65	\$80
77.15.170.1		Wastage 2nd degree (M)	\$132	\$92.40	\$46.20	\$271
77.15.170.2		Wastage 1st degree (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
77.15.180.1		Interfere with fishing/hunting gear 2nd degree (M)	\$184	\$128.80	\$64.40	\$378
77.15.180.3		Interfere with fishing/hunting gear 1st degree (Mandatory appearance, GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.190		Trapping violations (M) (Includes pamphlet violations)	\$53	\$37.10	\$18.55	\$109
	232-12-024	Sealing pelts	\$79	\$55.30	\$27.65	\$162
	232-12-24402	Colville Reservation — hunting or trapping	\$184	\$128.80	\$64.40	\$378
77.15.210		Obstruct taking of fish or wildlife (Mandatory appearance, GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.220		Posting signs (M)	\$132	\$92.40	\$46.20	\$271
77.15.230		Use of department lands (M)	\$132	\$92.40	\$46.20	\$271
	232-12-177	Vehicle operation on department lands	\$53	\$37.10	\$18.55	\$109
	232-12-187	Access area use	\$53	\$37.10	\$18.55	\$109
	232-12-254	Litter on department lands	\$53	\$37.10	\$18.55	\$109
77.15.240		Use of dog (M)	\$132	\$92.40	\$46.20	\$271
77.15.250.1		Release of fish or wildlife (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
77.15.250.2		Release of deleterious exotic fish or wildlife (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.260.1		Trafficking 2nd degree (GM)	\$184	\$128.80	\$64.40	\$378
77.15.260.2		Trafficking 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.270		False reporting (GM)	\$184	\$128.80	\$64.40	\$378
77.15.280		Report fish or wildlife harvest (M)	\$53	\$37.10	\$18.55	\$109
77.15.290.1		Transport of fish or wildlife 2nd degree (M)	\$184	\$128.80	\$64.40	\$378
	232-12-021	Importation of wildlife	\$184	\$128.80	\$64.40	\$378
	232-12-061	Fail to tag	\$184	\$128.80	\$64.40	\$378
	232-12-224	Off-reservation possession of wildlife	\$184	\$128.80	\$64.40	\$378
77.15.290.2		Transport of fish or wildlife 1st degree (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
	232-12-021	Importation of wildlife	\$184	\$128.80	\$64.40	\$378
	232-12-061	Fail to tag	\$184	\$128.80	\$64.40	\$378
	232-12-224	Off-reservation possession of wildlife	\$184	\$128.80	\$64.40	\$378
77.15.300		Hydraulic project activity (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.310		Fish guard on water diversion (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.320		Fishway (Mandatory appearance, GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.330		Hunting or fishing contest (M)	\$132	\$92.40	\$46.20	\$271
	232-12-041	Field trial permit	\$79	\$55.30	\$27.65	\$162
	232-12-168	Fishing contests conditions	\$79	\$55.30	\$27.65	\$162
	232-12-169	Hunting contests conditions	\$79	\$55.30	\$27.65	\$162
77.15.340		Game farm operation (GM)	\$263	\$184.10	\$92.05	\$540
	232-12-031	Game farm invoice	\$79	\$55.30	\$27.65	\$162
77.15.350		Aquatic farms — inspection and disease control (M)	\$263	\$184.10	\$92.05	\$540
77.15.360		Interfere with department operations (GM)	\$263	\$184.10	\$92.05	\$540
77.15.370.1.a		Recreational fishing 1st degree (GM)	\$184	\$128.80	\$64.40	\$378
77.15.370.1.b		Fish in fishway (GM)	\$263	\$184.10	\$92.05	\$540
77.15.370.1.c		Shoot, gaff, snag fish (GM)	\$263	\$184.10	\$92.05	\$540
77.15.380		Recreational fishing 2nd degree (M)	\$53	\$37.10	\$18.55	\$109
	220-20-025.1	Razor clam beds, driving on	\$39	\$27.30	\$13.65	\$80
	220-20-025.2	Crab, soft-shell	\$39	\$27.30	\$13.65	\$80
		+\$10 each crab over 1	\$0	\$0	\$0	\$0
	220-56-145.1	Dolly Varden/bull trout or sturgeon mutilation	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	\$0
	220-56-145.2	Recreational salmon, mutilation	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	\$0
	220-56-145.3	Recreational bottomfish, mutilation	\$53	\$37.10	\$18.55	\$109
		+\$50 each fish over 1	\$0	\$0	\$0	\$0
	220-56-180.8	Recreational salmon, possession, each fish	\$79	\$55.30	\$27.65	\$162
	220-56-190.1-6	Recreational salmon, over limit, each fish	\$79	\$55.30	\$27.65	\$162

220-56-190.7	Recreational salmon, illegal size	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 4	\$0	\$0	\$0	
220-56-191	Recreational salmon, Puget Sound, undersize	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 4	\$0	\$0	\$0	
220-56-191.1-9	Recreational salmon, Puget Sound, over limit, each fish	\$79	\$55.30	\$27.65	\$162
220-56-215	Recreational salmon, snagged, each fish	\$79	\$55.30	\$27.65	\$162
220-56-220	Recreational salmon, eggs	\$132	\$92.40	\$46.20	\$271
220-56-235	Recreational bottomfish, over limit	\$53	\$37.10	\$18.55	\$109
	+\$25 each fish over 4	\$0	\$0	\$0	
220-56-240.1	Recreational sturgeon, size or limit (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
220-56-240.2	Recreational forage fish, over limit	\$39	\$27.30	\$13.65	\$80
	+\$2 each pound of fish over 10lbs.	\$0	\$0	\$0	
220-56-245	Recreational bottomfish, halibut, over limit, each fish	\$79	\$55.30	\$27.65	\$162
220-56-255	Recreational bottomfish, halibut, undersize, each fish	\$79	\$55.30	\$27.65	\$162
220-56-295.1	Recreational sturgeon, remove fee (Mandatory appearance)	\$526	\$368.20	\$184.10	\$1,079
220-56-310.1	Recreational clams, over limit	\$39	\$27.30	\$13.65	\$80
	+\$2 each clam over limit	\$0	\$0	\$0	
220-56-310.2	Recreational razor clam, over limit, 1-15	\$26	\$18.20	\$9.10	\$54
	+\$10 each clam over 30	\$0	\$0	\$0	
220-56-310.3	Recreational geoduck, over limit	\$53	\$37.10	\$18.55	\$109
	+\$50 each geoduck over 4	\$0	\$0	\$0	
220-56-310.4	Recreational clams, horse clams over limit	\$39	\$27.30	\$13.65	\$80
	+\$25 each clam over 8	\$0	\$0	\$0	
220-56-310.5	Recreational oysters, over limit	\$26	\$18.20	\$9.10	\$54
	+\$10 each oyster over 19	\$0	\$0	\$0	
220-56-310.6	Recreational scallops, over limit Rock scallops	\$39	\$27.30	\$13.65	\$80
	+\$10 each over 13	\$0	\$0	\$0	
220-56-310.7	Recreational scallops, over limit sea scallops	\$39	\$27.30	\$13.65	\$80
	+\$10 each over 13	\$0	\$0	\$0	
220-56-310.8	Recreational scallops, over limit pink scallops	\$39	\$27.30	\$13.65	\$80
	+\$10 each full pound or quart over first limit	\$0	\$0	\$0	
220-56-310.9	Recreational shrimp, over limit	\$39	\$27.30	\$13.65	\$80
	+\$50 each full limit over 2 limits	\$0	\$0	\$0	
220-56-310.10	Recreational octopus, over limit	\$53	\$37.10	\$18.55	\$109
	+\$50 each octopus over 3	\$0	\$0	\$0	
220-56-310.11	Recreational abalone, possess	\$79	\$55.30	\$27.65	\$162
	+\$150 each abalone over 4	\$0	\$0	\$0	
220-56-310.12	Recreational crawfish, over limit	\$39	\$27.30	\$13.65	\$80
	+\$25 each full limit over 2 limits	\$0	\$0	\$0	
220-56-310.13	Recreational squid, over limit	\$39	\$27.30	\$13.65	\$80
	+\$50 for any amount over 10 pounds above limit	\$0	\$0	\$0	
220-56-310.14	Recreational sea cucumber, over limit	\$39	\$27.30	\$13.65	\$80
	+\$10 each over 26	\$0	\$0	\$0	
220-56-310.15	Recreational red sea urchin, over limit	\$39	\$27.30	\$13.65	\$80
	+\$10 each urchin over 19	\$0	\$0	\$0	
220-56-310.16	Recreational purple sea urchin, over limit	\$39	\$27.30	\$13.65	\$80
	+\$10 each urchin over 19	\$0	\$0	\$0	
220-56-310.17	Recreational green urchin, over limit	\$39	\$27.30	\$13.65	\$80
	+\$10 each urchin over 37	\$0	\$0	\$0	
220-56-310.18	Recreational Dungeness crab, over limit, 1-6 crabs	\$39	\$27.30	\$13.65	\$80
	+\$25 each crab over 6	\$0	\$0	\$0	
220-56-310.19	Recreational red rock crab, over limit, 1-6 crabs	\$39	\$27.30	\$13.65	\$80
	+\$25 each crab over 6	\$0	\$0	\$0	
220-56-310.20	Recreational mussels, over limit	\$39	\$27.30	\$13.65	\$80
	+\$50 each full 10lbs. over 20lbs.	\$0	\$0	\$0	
220-56-310.21	Recreational barnacles, over limit	\$39	\$27.30	\$13.65	\$80
	+\$50 each full 10lbs. over 2 limits	\$0	\$0	\$0	
220-56-310.23	Recreational King or box crab, possess	\$79	\$55.30	\$27.65	\$162
	+\$150 each over 4	\$0	\$0	\$0	
220-56-335	Recreational crab, 1-6 crabs	\$39	\$27.30	\$13.65	\$80
	+\$25 each crab over 6	\$0	\$0	\$0	
220-56-355.2	Recreational geoduck, neck only	\$53	\$37.10	\$18.55	\$109
	+\$50 each neck over 4	\$0	\$0	\$0	
220-56-355.3	Recreational clams, undersize	\$39	\$27.30	\$13.65	\$80
	+\$2 each clam over 4	\$0	\$0	\$0	
220-56-365	Recreational razor clam, fail to retain	\$39	\$27.30	\$13.65	\$80
220-56-385	Recreational oysters, retain shell	\$26	\$18.20	\$9.10	\$54
	+\$10 each shell over 4	\$0	\$0	\$0	

	220-56-400	Recreational abalone, possess	\$79	\$55.30	\$27.65	\$162
		+\$150 each over 1 abalone	\$0	\$0	\$0	
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-164	Fly-fishing rules	\$79	\$55.30	\$27.65	\$162
	232-12-164	Fishing near dams	\$132	\$92.40	\$46.20	\$271
77.15.390		Seaweed (M)	\$53	\$37.10	\$18.55	\$109
77.15.400.1		Wild birds 2nd degree (M)	\$79	\$55.30	\$27.65	\$162
	232-12-044	Game bird marking requirements	\$79	\$55.30	\$27.65	\$162
	232-12-047	Unlawful firearm	\$79	\$55.30	\$27.65	\$162
	232-12-055	Hunter orange	\$53	\$37.10	\$18.55	\$109
	232-12-061	Fail to tag	\$184	\$128.80	\$64.40	\$378
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-068	Nontoxic shot	\$53	\$37.10	\$18.55	\$109
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-24402	Colville Reservation—hunting or trapping	\$184	\$128.80	\$64.40	\$378
	232-12-264	Bait game birds	\$263	\$184.10	\$92.05	\$540
	232-12-267.1	Field identification of game birds	\$53	\$37.10	\$18.55	\$109
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
	232-12-291	Hunt before or after hours	\$79	\$55.30	\$27.65	\$162
	232-12-828	Disabled hunter/companion violation	\$79	\$55.30	\$27.65	\$162
77.15.400.2		Wild birds 1st degree (GM)	\$132	\$92.40	\$46.20	\$271
77.15.410.1		Big game animal 2nd degree (GM)	\$263	\$184.10	\$92.05	\$540
	232-12-047	Unlawful firearm	\$79	\$55.30	\$27.65	\$162
	232-12-051	Muzzleloading firearms	\$79	\$55.30	\$27.65	\$162
	232-12-054	Unlawful archery	\$79	\$55.30	\$27.65	\$162
	232-12-055	Hunter orange	\$53	\$37.10	\$18.55	\$109
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-24402	Colville Reservation—hunting or trapping	\$184	\$128.80	\$64.40	\$378
	232-12-267.2	Field identification of big game	\$184	\$128.80	\$64.40	\$378
	232-12-267.3	Field identification of big game with horn or antler	\$263	\$184.10	\$92.05	\$540
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
	232-12-291	Hunt before or after hours	\$79	\$55.30	\$27.65	\$162
	232-12-828	Disabled hunter/companion violation	\$79	\$55.30	\$27.65	\$162
77.15.410.2		Big game animal 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.430.1		Wild animals 2nd degree (M)	\$79	\$55.30	\$27.65	\$162
	232-12-055	Hunter orange	\$53	\$37.10	\$18.55	\$109
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-242	Hunt during modern firearm deer/elk season	\$132	\$92.40	\$46.20	\$271
	232-12-24402	Colville Reservation—hunting or trapping	\$184	\$128.80	\$64.40	\$378
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
	232-12-291	Hunt before or after hours	\$79	\$55.30	\$27.65	\$162
	232-12-828	Disabled hunter/companion violation	\$79	\$55.30	\$27.65	\$162
77.15.430.2		Wild animals 1st degree (M)	\$132	\$92.40	\$46.20	\$271
77.15.440		Use of weapon/dog/trap on game reserve (M)	\$132	\$92.40	\$46.20	\$271
77.15.450.1		Spotlighting big game 2nd degree (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.450.2		Spotlighting big game 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.460		Loaded firearm in vehicle (M)	\$132	\$92.40	\$46.20	\$271
77.15.470		Avoid check station (GM)	\$263	\$184.10	\$92.05	\$540
77.15.500.1		Commercial fish without license 2nd degree (GM)	\$0	\$0	\$0	
		Limited entry	\$1,053	\$737.10	\$368.55	\$2,159
		Non-limited entry	\$526	\$368.20	\$184.10	\$1,079
77.15.500.1.b		Commercial fish without license 2nd degree (GM)	\$0	\$0	\$0	
		Alternate operator	\$263	\$184.10	\$92.05	\$540
77.15.500.2		Commercial fish without license 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.510		Commercial fish guide/charter (GM)	\$1,053	\$737.10	\$368.55	\$2,159
77.15.530.1		Non-designated vessel (Mandatory appearance, GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.530.4		Non-designated vessel same day (Mandatory appearance, F)	\$1,053	\$737.10	\$368.55	\$2,159
77.15.540		Use of commercial fish license (M)	\$79	\$55.30	\$27.65	\$162
	220-20-050.1,2	Vessel registration decal display	\$53	\$37.10	\$18.55	\$109
	220-20-050.3	Salmon angler decal display	\$53	\$37.10	\$18.55	\$109
	220-20-051.4	Affix registration/documentation numbers	\$53	\$37.10	\$18.55	\$109
77.15.550.1		Commercial fish area or time 2nd degree (GM)	\$789	\$552.30	\$276.15	\$1,618
	220-20-010.12	Salmon through power block, each fish	\$79	\$55.30	\$27.65	\$162
	220-20-010.13	Mutilate food fish, each fish	\$79	\$55.30	\$27.65	\$162

220-20-015.3	Commercial salmon, undersize	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 1	\$0	\$0	\$0	
220-20-015.3.b	Commercial salmon, dressed fish	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 1	\$0	\$0	\$0	
220-20-016.1	Commercial salmon, take-home limit, each fish	\$79	\$55.30	\$27.65	\$162
220-20-016.2	Sell salmon to unauthorized buyer	\$263	\$184.10	\$92.05	\$540
	+\$150 each fish over 1	\$0	\$0	\$0	
220-20-020.1	Commercial sturgeon, illegal size, undersized each fish	\$79	\$55.30	\$27.65	\$162
	Oversized, each fish (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
220-20-020.5	Commercial bottomfish, undersized flounder	\$53	\$37.10	\$18.55	\$109
	+\$50 each fish over 1	\$0	\$0	\$0	
220-20-021.1.a	Commercial sturgeon, exceed limit	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 1	\$0	\$0	\$0	
220-20-021.1.c	Sale of sturgeon eggs (Mandatory appearance)	\$1,053	\$737.10	\$368.55	\$2,159
220-20-021.2	Purchase sturgeon eggs (Mandatory appearance)	\$1,053	\$737.10	\$368.55	\$2,159
220-20-025.2	Commercial crab, soft shell	\$132	\$92.40	\$46.20	\$271
220-20-025.3	Commercial crab, back shell	\$132	\$92.40	\$46.20	\$271
220-33-020.3	Commercial sturgeon, illegal size (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
220-33-020.4	Commercial sturgeon, over limit, each fish	\$79	\$55.30	\$27.65	\$162
220-33-020.5	Commercial sturgeon, remove eggs	\$132	\$92.40	\$46.20	\$271
220-33-020.6	Commercial sturgeon, remove head or tail, each fish	\$79	\$55.30	\$27.65	\$162
220-36-031.2	Commercial sturgeon, illegal size (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
220-36-031.3	Commercial sturgeon, closed season	\$263	\$184.10	\$92.05	\$540
	+\$150 each fish over 1	\$0	\$0	\$0	
220-40-031.2	Commercial sturgeon, illegal size (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
220-40-031.3	Commercial sturgeon, closed season	\$263	\$184.10	\$92.05	\$540
	+\$150 each fish over 1	\$0	\$0	\$0	
220-44-050	Commercial bottomfish, catch limit	\$263	\$184.10	\$92.05	\$540
	+\$500 each additional 10% over limit	\$0	\$0	\$0	
220-44-050.3	Commercial bottomfish, undersized lingcod	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 1	\$0	\$0	\$0	
220-47-401	Chinook salmon using reef net gear	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 1	\$0	\$0	\$0	
220-48-005.1	Commercial bottomfish, undersized sole	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 1	\$0	\$0	\$0	
220-48-005.3	Commercial bottomfish, lingcod, closed area	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 1	\$0	\$0	\$0	
220-48-005.4	Commercial bottomfish, lingcod, illegal size	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 1	\$0	\$0	\$0	
220-48-005.5	Commercial bottomfish, lingcod, closed time	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 1	\$0	\$0	\$0	
220-48-005.6	Commercial bottomfish, retain shellfish	\$132	\$92.40	\$46.20	\$271
220-48-005.7.b	Commercial bottomfish, retain salmon or sturgeon	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 1	\$0	\$0	\$0	
220-48-005.7.c	Commercial bottomfish, retain shellfish	\$132	\$92.40	\$46.20	\$271
220-48-005.7.d	Commercial bottomfish, whiting	\$53	\$37.10	\$18.55	\$109
	+\$50 each fish over 1	\$0	\$0	\$0	
220-48-052.2	Commercial bottomfish, fish for possess salmon, each fish	\$79	\$55.30	\$27.65	\$162
220-52-019.5	Commercial geoduck, neck or siphon	\$79	\$55.30	\$27.65	\$162
	+\$50 for each geoduck over 1	\$0	\$0	\$0	
220-52-019.9	Commercial geoduck, processing (Mandatory appearance)	\$789	\$552.30	\$276.15	\$1,618
220-52-040.3	Commercial crab, undersized or female	\$132	\$92.40	\$46.20	\$271
	+\$50 each crab over 1	\$0	\$0	\$0	
220-52-043.6	Commercial crab, incidental catch	\$132	\$92.40	\$46.20	\$271
220-52-050.1.c	Commercial shrimp, exceed count	\$526	\$368.20	\$184.10	\$1,079
220-52-050.1.d	Commercial shrimp, incidental catch, each fish	\$79	\$55.30	\$27.65	\$162
220-52-050.1.e	Commercial shrimp, incidental catch of shellfish	\$132	\$92.40	\$46.20	\$271
220-52-060.1.c	Commercial crawfish, undersized or female	\$79	\$55.30	\$27.65	\$162
220-52-068.4	Commercial scallops, incidental catch	\$132	\$92.40	\$46.20	\$271
220-52-069.2.a.ii	Commercial scallops, undersized	\$53	\$37.10	\$18.55	\$109
	+\$25 each scallop over 1	\$0	\$0	\$0	
220-52-069.2.a.iv	Commercial scallops, retain other foodfish or shellfish	\$132	\$92.40	\$46.20	\$271
220-52-071.3.c	Commercial sea cucumbers, possess geoduck, each	\$79	\$55.30	\$27.65	\$162

	geoduck				
220-52-073.2	Commercial sea urchins, illegal size	\$53	\$37.40	\$18.55	\$109
	+\$25 each sea urchin over 1	\$0	\$0	\$0	
220-52-073.3.d	Commercial sea urchins, purple sea urchin, each urchin	\$53	\$37.40	\$18.55	\$109
220-52-073.3.g	Commercial sea urchins, processing	\$526	\$368.20	\$184.10	\$1,079
220-88A-070.3	Commercial shrimp, undersized spot shrimp	\$263	\$184.10	\$92.05	\$540
77.15.550.2	Commercial fish area or time 1st degree (Mandatory appearance, F)	\$1,579	\$1,105.30	\$552.65	\$3,237
77.15.560	Report commercial fish harvest or delivery (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.570.1	Participate in treaty Indian fishery (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.570.2	Participate in treaty Indian commercial fishery (Mandatory appearance, F)	\$1,579	\$1,105.30	\$552.65	\$3,237
77.15.580.1.a	Use of net to take fish 2nd degree (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.580.1.b	Use of net, retain fish 2nd degree (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
77.15.580.2	Use of net to take fish 1st degree (Mandatory appearance, F)	\$1,579	\$1,105.30	\$552.65	\$3,237
77.15.590	Commercial vessel for charter or recreational use (GM)	\$263	\$184.10	\$92.05	\$540
77.15.600	Commercial wildlife activity (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.610	Commercial wildlife license (M)	\$79	\$55.30	\$27.65	\$162
77.15.620.1	Fish dealing 2nd degree (GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.620.3	Fish dealing 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.630.1	Use of fish buyer/dealer license 2nd degree (GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.630.2	Use of fish buyer/dealer license 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.640	Violate fish buyer/dealer rules (GM)	\$263	\$184.10	\$92.05	\$540
77.15.650.1	Purchase or use of license 2nd degree (GM)	\$263	\$184.10	\$92.05	\$540
77.15.650.2	Purchase or use of license 1st degree (Mandatory appearance, F)	\$1,316	\$921.20	\$460.60	\$2,698
77.15.660	Scientific permit (GM)	\$263	\$184.10	\$92.05	\$540
77.15.670.1	Suspension of department privileges 2nd degree (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.670.2	Suspension of department privileges 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.16.070	Hunting intoxicated (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
77.16.360.1	Hunt bear using bait (GM)	\$263	\$184.10	\$92.05	\$540
77.16.360.2	Hunt with dog or dogs (GM)	\$263	\$184.10	\$92.05	\$540

~~—(s) Forfeitable Natural Resources Offenses. The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:~~

WHERE A BAIL AMOUNT IS SHOWN,		70%		35%	
THE BREAKDOWN IS:		BAIL	PSEA	PSEA	TOTAL
RCW 76.04.205	Violation of Burning Permit	90	63	31.50	185
WAC 332-24-211	Violations of Outdoor Burning Rules	90	63	31.50	185
RCW 76.04.215	Burning Mill Wood Waste Arresters	90	63	31.50	185
RCW 76.04.246	Use of Blasting Fuse	90	63	31.50	185
RCW 76.04.305	Closed to Entry Extra Fire Hazard	90	63	31.50	185
RCW 76.04.315	Suspension of Burning Permits/Privileges	90	63	31.50	185
RCW 76.04.325	Closure of Forest Operations or	90	63	31.50	185
WAC 332-24-301	Industrial Restrictions Forest Lands				
RCW 76.04.405	Spark-Emitting Equipment Regulated	90	63	31.50	185
WAC 332-24-405					
RCW 76.04.415	Work Stoppage Notice Violation	90	63	31.50	185
RCW 76.04.425	Unauthorized Entry Into Sealed Fire Tool Box	90	63	31.50	185

RCW 76.04.435	Deposit of Fire or Live Coals—Railroad	150	405	52.50	308
RCW 76.04.455	Discarding Lighted Material	90	63	31.50	185
RCW 76.04.465	Certain Snags To Be Felled	90	63	31.50	185
WAC 332-24-401	Felling of Snags				
WAC 332-24-409	Electric Fence Controllers—Uncertified	90	63	31.50	185
RCW 76.04.650	Disposal of Forest Debris—Felling	90	63	31.50	185
RCW 76.04.700	Failure To Extinguish Campfire	90	63	31.50	185
RCW 76.04.710	Willful Setting of Fire	160	112	56	328
RCW 76.04.720	Removal of Notices—Signs	90	63	31.50	185
RCW 76.04.730	Negligent Fire—Spread	90	63	31.50	185

FOREST PROTECTION

FOREST PRACTICES

RCW 76.09.060(5)	Deviation From Approved Appl./Notif.	250	175	87.50	513
WAC 222-20-060					
RCW 76.09.060(3)	Conversion Deviation From Approved	250	175	87.50	513
WAC 222-20-050	Appl./Notif.				
RCW 76.09.060	Conversion Deviation From Approved	250	175	87.50	513
WAC 222-34-010	Appl./Notif.				
WAC 222-34-020	(also see Reforestation)				
RCW 76.09.050(4)	Road Location—Unstable Slopes	250	175	87.50	513
WAC 222-24-020(6)					
RCW 76.09.050(4)	Location and Design	250	175	87.50	513
WAC 222-24-025					
RCW 76.09.050(4)	Road Construction—General	250	175	87.50	513
WAC 222-24-030					
RCW 76.09.050(4)	End Haul/Side Cast and Waste Disposal	250	175	87.50	513
WAC 222-24-030(8,9)					
RCW 76.09.050(4)	Road Maintenance	250	175	87.50	513
WAC 222-24-050					
RCW 76.09.050(4)	Rock Quarries	250	175	87.50	513
WAC 222-24-060					
RCW 76.09.050(4)	Harvest Unit, Plan Design	250	175	87.50	513
WAC 222-30-020					
RCW 76.09.050(4)	Landing Location and Construction—	250	175	87.50	513
WAC 222-30-020(2,3)	Water				
RCW 76.09.050(4)	Temperature Control Shade	250	175	87.50	513
WAC 222-30-040	Requirements—Temp. Sensitive				
RCW 76.09.050(4)	Temperature Control Shade	250	175	87.50	513
WAC 222-30-040	Requirements—General				
RCW 76.09.050(4)	Falling and Bucking	250	175	87.50	513
WAC 222-30-050					
RCW 76.09.050(4)	Cable Yarding	250	175	87.50	513
WAC 222-30-060					
RCW 76.09.050(4)	Tractor and Wheeled Skidding Systems	250	175	87.50	513
WAC 222-30-070					

RCW 76.09.050(4)	Postharvest Site Preparation	250	175	87.50	513
WAC 222-30-090					
RCW 76.09.050(4)	Slash Disposal	250	175	87.50	513
WAC 222-30-100	(See also RCW 76.04 & WAC 332-24)				
RCW 76.09.050(4)	Chemicals	250	175	87.50	513
WAC 222-38-020					

Consult Department of Agriculture prior to citation.

SPECIALIZED FOREST PRODUCTS

General Rules

RCW 43.30.310	Nontraffie				
WAC 332-52-030					
	(1) Sanitation	90	63	31.50	185
	(2) Public Behavior	40	28	14	82
	—(c) Selling without permission				
	—(d) Advertising without permission				
	—(f) Fireworks	90	63	31.50	185
	(3) Audible Devices	70	49	24.50	144
	—(a) Audible devices regulated				
	—(b) Unauthorized use of public				
	—address system				

Public Behavior—Recreation Site

RCW 43.30.310					
WAC 332-52-040					
	(4) Occupying a closed site	25	17.50	8.75	52
	(5) Fire outside designated location	25	17.50	8.75	52
	(6) Camping in a day-use area	25	17.50	8.75	52
	(7) Failure to clean up rubbish	25	17.50	8.75	52
	(8) Utilizing site which is designated for	25	17.50	8.75	52
	—other use				
	(9) Overstaying site	25	17.50	8.75	52
	(10) Failure to maintain quiet	25	17.50	8.75	52
	(11) Saddle or pack animals in camp	25	17.50	8.75	52
	(12) Pets at large	25	17.50	8.75	52

MANDATORY

RCW 76.04.235-WAC	Dumping Mill Waste, Forest Debris	Mandatory
332-24-261	Dumping Mill Waste—Creation of Fire Hazard	
RCW 76.04.445	Reporting Fire	Mandatory
RCW 76.04.740	Reckless Burning	Mandatory
RCW 76.09.170-WAC	Knowingly in Violation of RCW 76.09.010-.280	Mandatory
222-46-080		
RCW 76.09.050(2),(4)	Operation Without Application/ Notification	Mandatory
WAC 222-20-010		
RCW 76.09.050(4)	Water Crossing Structures	Mandatory
WAC 222-24-040	(See also RCW 75.20.100 & WAC 220-110)	

RCW 76.09.050(4)	Riparian-Management Zone	Mandatory
WAC 222-30-020(4)		
RCW 76.09.050(4)	Stream-Bank Integrity	Mandatory
WAC 222-30-030		
RCW 76.09.050(4)	Landing Cleanup	Mandatory
WAC 222-30-080		
RCW 76.09.070	Reforestation	Mandatory
WAC 222-34-010		
RCW 76.36	Marks and Brands. File All Charges With	Mandatory
	Prosecutor. (No Citation.)	
RCW 76.40	Log Patrol. File All Charges With Prosecutor.	Mandatory
	(No Citation.)	
RCW 76.48.030	No Valid Permit	Mandatory
RCW 76.48.070	Possessing Forest Products Without a Valid	Mandatory
	Permit	
RCW 76.48.070	Transporting Forest Products Without a Valid	Mandatory
	Permit	
RCW 76.48.075	Transporting Forest Products From Out-of-State	Mandatory
RCW 76.48.092	Refusal To Surrender Copy of Permit	Mandatory
RCW 76.48.094	Cedar Processor-Failure To Maintain Records	Mandatory
RCW 76.48.096	Cedar Processor-Purchase From a Person	Mandatory
	Without a Permit	
RCW 76.48.120	Offering a False or Fraudulent Permit (Class C	Mandatory
	Felony-No Citation.)	

General Rules

RCW 43.30.310	Nontraffic	
WAC 332-52-030		
	(2) Public behavior	Mandatory
	—(a) Inciting or participating in riots	
	—(b) Malicious mischief	Mandatory
	—Damages less than \$50	
	—Damages more than \$50, less than \$250	Mandatory
	—Damages more than \$250, less than \$1,500	Mandatory
	—(Class C Felony-No Citation.)	
	—Damages more than \$1,500	
	—(Class B Felony-No Citation.)	
	—(e) Erecting unauthorized buildings	Mandatory

Public Behavior-Recreation Site

RCW 43.30.310	Nontraffic	
WAC 332-52-040		
	(1) Destroying-Defacing (Malicious mischief)	Mandatory
	—Damages less than \$50	
	—Damages more than \$50, less than \$250	Mandatory
	—Damages more than \$250, less than \$1,500	Mandatory

—(Class C Felony No Citation.)	
—Damages more than \$1,500	Mandatory
—(Class B Felony No Citation.)	
(2) Discharging firearms	Mandatory

~~—(t) Forfeitable Parks Offenses. The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:~~

WHERE A BAIL AMOUNT IS SHOWN, ~~70% 35%~~
THE BREAKDOWN IS: ~~BAIL PSEA PSEA TOTAL~~

CRIMINAL

WAC

308-93-020	Vessel Registration Required				Mandatory
352-32-120	Firearms and/or Weapons				Mandatory
352-32-130	Aircraft				Mandatory
352-32-140	Fireworks	70.00	49.00	24.50	144.00
352-32-150	Fishing	50.00	35.00	17.50	103.00
352-32-15001	Little Spokane River Natural Area Prohibited Uses	50.00	35.00	17.50	103.00
352-32-170	Rubbish				Mandatory
352-32-180	Sanitation				Mandatory
352-32-210	Consumption of Alcohol in State Park Areas	50.00	35.00	17.50	103.00
352-32-290	Wood Debris Collection	70.00	49.00	24.50	144.00
352-37-070	Restricted Areas				Mandatory
352-37-120	Operator's License Required				Mandatory
352-37-140	Certain Practices Prohibited				Mandatory
352-37-170	Aircraft				Mandatory
352-37-190	Excluded/Limited Recreational Activities	50.00	35.00	17.50	103.00
352-60-030	Personal Flotation Devices	24.74	17.32	8.66	51.00
352-60-040	Visual Distress Signals	24.74	17.32	8.66	51.00
352-60-050	Ventilation	70.00	49.00	24.50	144.00
352-60-060	Navigation Lights and Shapes and Sound and Light Signals	70.00	49.00	24.50	144.00
352-60-070	Steering and Sailing				Mandatory
352-60-080	Fire Extinguishing Equipment	24.74	17.32	8.66	51.00
352-60-090	Backfire Flame Control	70.00	49.00	24.50	144.00
352-60-100	Liquefied Petroleum Gas				Mandatory
352-60-110	Canadian Vessels				Mandatory
352-70-040	Boating Accident & Casualty Report				Mandatory

~~-(u) Forfeitable Utilities and Transportation Offenses. The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:~~

WHERE A BAIL AMOUNT IS SHOWN,		70%		35%	TOTAL
THE BREAKDOWN IS:		BAIL	PSEA	PSEA	
RCW & WAC	VIOLATION				
81.04.380	Violation of Chapter by Officer, Agent, Employee of Public Service Co. (Mandatory Appearance)				500
81.04.385	Failure To Comply With Commission Orders/Provision of Title 81 (Mandatory Appearance)				500
81.04.390	Person Violating Provision of Title 81 (Mandatory Appearance)				500
81.04.390	Failure To Observe Order, Aiding, Abetting, Etc. (Mandatory Appearance)				250
81.68.045	Certificate Required—Auto Transp.				500
480-30-030	(Mandatory Appearance)				
81.68.045	Certificate Required—Excursion				500
480-40-030	Bus (Mandatory Appearance)				
81.70.220	Certificate Required—Charter Bus				500
480-40-030	(Mandatory Appearance)				
81.70.330	No Name or Permit Number Displayed—Charter/Excursion Bus	50	35	17.50	103
480-30-090	Fail to ID Vehicle—Auto Transp.	50	35	17.50	103
81.70.340	Fail To Register ICC Authority—	80	56	28	164
480-40-120	Charter/Excursion Bus				
480-30-100	Disqualified Driver—License Suspended or Revoked, and Other Disqualifying Offenses as Listed in 49 C.F.R. Section 391.15 (Mandatory Appearance)				500
480-40-070	Disqualified Driver—License Suspended or Revoked, and Other Disqualifying Offenses as Listed in 49 C.F.R. Section 391.15 Charter/Excursion Bus (Mandatory Appearance)				500
480-30-100	Medical Certificate Violation—Auto Transp.	50	35	17.50	103
480-40-070	Medical Certificate Violation—Charter/Excursion Bus	50	35	17.50	103
480-30-097	Moving Equipment Ordered Out of Service Without Repairs Made—Auto Transp. (Mandatory				500

480-40-065	Appearance) Moving Equipment Ordered Out of Service Without Repairs Made- Charter/Excursion Bus (Mandatory Appearance)				500
480-30-100	Hours of Service—Auto Transp.— Driver in Service	50	35	17.50	103
480-30-100(1) 81.77.040	Driver Out of Service Certificate of Convenience and Necessity Required—Solid Waste Transp. (Mandatory Appearance)	80	56	28	164 500
480-70-070	Fail To ID Vehicle—Solid Waste Transp.	50	35	17.50	103
480-70-400	Disqualified Driver—License Suspended or Revoked, and Other Disqualifying Offenses as Listed in 49 C.F.R. Section 391.15—Solid Waste Transp. (Mandatory Appearance)				500
480-70-400	Medical Certificate Violation— Solid Waste Transp.	50	35	17.50	103
480-70-325	Moving Equipment Ordered Out of Service Without Repairs Made—Solid Waste Transp. (Mandatory Appearance)				500
480-70-330	Hours of Service—Solid Waste Transp. Driver in Service	50	35	17.50	103
81.80.060	Driver Out of Service No Valid Combination of Services Permit	80 130	56 91	28 45.50	164 267
81.80.070	No Valid Permit—Common/Contract (Mandatory Appearance)				500
81.80.100	Exceeding Permit Authority	130	91	45.50	267
81.80.355	Unlawful Advertising	80	56	28	164
480-14-100 81.80.371	Fail to Register Appropriate ICC Authority	80	56	28	164
480-12-121	Fail to Display Copy of Permit	25	17.50	8.75	52
480-14-090 480-14-110	Improper Use of Permit or Registration	130	91	45.50	267
81.80.305	No Name or Permit Number Displayed	50	35	17.50	103
480-12-150 480-14-340					
480-12-165 480-14-360 (3)	Moving Equipment Ordered Out of Service Without Repairs Made				500

480-12-180 (6)	(Mandatory Appearance)					
480-14-370 (7)	Disqualified Driver—License					500
	Suspended or Revoked, and Other					
	Disqualifying Offenses as Listed in					
	49 C.F.R. § 391.15 (Mandatory					
	Appearance)					
480-12-180 (1)	Attendance/Surveillance of					500
480-14-370 (1)	Hazardous Material Laden Motor					
	Vehicle (Mandatory Appearance)					
480-12-180 (1)	Parking of Hazardous Material					500
480-14-370 (1)	Laden Motor Vehicle (Mandatory					
	Appearance)					
480-12-180 (1)	Explosive Laden Vehicle Off Route					500
480-14-370 (1)	(Mandatory Appearance)					
480-12-180 (6)	Medical Certificate Violation	50	35	17.50	103	
480-14-370 (7)						
480-12-190	Hours of Service Violation Driver in	50	35	17.50	103	
480-14-380	Service					
480-12-190 (1)	Driver Out of Service	80	56	28	164	
480-14-380	Hazardous Material Transportation				500	
480-14-390	(Mandatory Appearance)					
480-12-210	Failure to Display Commission	50	35	17.50	103	
	Approved Lease					
81.90.030	Certificate Required (Mandatory					500
	Appearance)					
81.90.140	Failure to Register Interstate	80	56	28	164	
480-35-110	Authority					
480-35-120	Failure to Display Valid	50	35	17.50	103	
	Identification Decal					
81.80.301	Failure to Display Single State	50	35	17.50	103	
480-14-300	Registration (SSR) Receipt					
480-14-400	Radioactive Material Transp.					500
	(Mandatory Appearance)					

[Amended effective September 1, 2002; April 1, 2003; September 1, 2005.]

Sent via e-mail on 10/24/08 to DMCJA List Serve.

This message is being sent on behalf of the DMCJA Board of Directors to all DMCJA members:

Over the past year the DMCJA Board, Long Range Planning (LRP) Committee and Court Rules Committee, have considered and discussed a possible change to CrRLJ 3.2 which would eliminate the language authorizing bail forfeiture.

Procedurally, the issue was considered during 2006-07 by the Long Range Planning Committee. The LRP Committee recommended that reference to bail forfeiture be removed from the Court Rule. The DMCJA Board during 2007-08 acted to propose to the Supreme Court that CrRLJ 3.2 be modified to remove the reference to bail forfeiture. Soon thereafter at the request of the Court Rules Committee, the DMCJA Board decided to stay its previous Board action, and refer the issue again to a reconstituted LRP Committee for review. The LRP Committee has completed its further review; and at the October 2008 DMCJA Board meeting, made recommendations to the Board for final action.

Below is a summary of the reasons for the proposed change and the concerns that have been raised thus far. Attached also is a copy of the summary memorandum which was provided to the DMCJA Board at that meeting. The Board will consider the issue for action at the November 14, DMCJA Board meeting scheduled to begin at 12:15 p.m. at the AOC SeaTac Office. All DMCJA members are invited to attend this or any other Board meeting, of course. In the event that members are not able to attend, the Board hereby actively solicits comments from members.

Summary: Essentially, the reasons for requesting the change to the bail forfeiture rule are as follows:

1. Except for the reference in CrRLJ 3.2 ("If the court allows forfeiture of bail for a mandatory offense, it may accept bail in an amount not less than CrRLJ 3.2 (o)(3)), there is no statutory authority for bail forfeiture in District or Municipal Courts. There is a reference for Traffic Violations Bureaus (the extension of the old Justice of the Peace courts) in RCW 3.50.030;
2. While some courts accept bail forfeitures, others do not. This creates a disparity in justice offered statewide. An increasing number of courts offer public defenders at arraignment (the stage where most bail forfeitures occur), but many courts do not provide public defenders before a defendant makes the decision to bail forfeit. Some courts and/or law enforcement agencies allow the law enforcement officer to write on the citation "Appear or forfeit \$X bail"; this also allows the decision to be made without access to or even advice of Constitutional rights. There is a concern that "bail forfeiture as final disposition" may violate due process by short-circuiting the arraignment, trial and sentencing process and the rights. There is a concern about the ethical obligations of the court. See CrRLJ 3.1(a) and (b) and In re Ottinger: CJC No. 4475-F-119 May 5, 2006. (Ethical violation found where judge routinely failed to advise unrepresented defendants of various rights . . . including "the perils of proceeding without counsel.")

3. A review of bail forfeitures statewide for the calendar year 2007 reveals that about half of the bail forfeiture cases are for DWLS 3, and the other half are for Unlawful Recreational Fishing in the 2nd degree. Each of these offenses carries a penalty of up to 90 days in jail and/or a \$1,000 fine, and requires a mandatory court appearance. In addition, a small proportion of courts have allowed bail forfeiture for cases such as DUI, assault, assault DV, communication with a minor, possession of marijuana, and other offenses that carry a potentially greater penalty and collateral consequences. The Department of Licensing (DOL) considers the payment of any amount to result in a 'conviction' for DOL purposes per RCW 46.20.270(4) regardless of the designation that the court states. The Fish and Wildlife Department considers payment of any amount to result in a 'conviction' for hunting and fishing license purposes per RCW 77.15.050 regardless of the designation that the court states.

4. The Administrative Office of the Courts computer system does not accommodate bail forfeitures UNLESS the bail amount is paid in advance. That is, if a bail forfeiture is accepted, with payments to be made in the future, and the payments are not in fact made, and the court sends the uncollected amount to collection, the computer automatically changes/converts the BF designation to G (for guilty) without the defendant being afforded all of the rights associated with that decision, and without the defendant being afforded information about collateral consequences such as immigration consequences, firearms consequences, teacher or nursing license, etc.

Concerns: The Board has heard concerns that, without bail forfeiture as a quick tool to handle the volume of DWLS 3 and/or misdemeanor fish/wildlife violations, their court calendars will become further congested and unmanageable. Concern has also been raised that elimination of this method of dealing with these charges will increase the impact on local jurisdiction funding of prosecutor and public defender resources.

Action: The Board has before it a question about whether to propose the rule change. At the same time, it will consider the contemporaneous development of solutions to related workload and fiscal concerns. The timing of proposing a rule change might be linked to the creation of potential solutions by a task force that includes essential stakeholders. Some initial ideas for consideration may include: a legislative change to authorize and define bail forfeiture, or to consider decriminalization of DWLS3, or pre-trial diversion programs for misdemeanors, and/or asking for funding for AOC to modify its computer system to allow bail forfeiture payment plans to remain in that designation regardless of payments made or not.

Your input is important. Please provide your response to any DMCJA Board member or officer before the November 14, Board meeting. All of our contact information is provided in the attached document and is also located on the new DMCJA web site at www.dmcja.org <<http://www.dmcja.org>> under "Officers." In addition, you may provide oral comments to the Board at the November Board meeting if you wish. If you will be attending the November meeting, an R.S.V.P. will be appreciated. Please share your plans to attend with Paula Odegaard at paula.odegaard@courts.wa.gov.

Thank you.

2008-09 DMCJA Board of Directors

Summary of Responses Received by the DMCJA Board in response to request for input:

Judge Dan Phillips: Although I can understand it may be "better" to have no Bail Forfeitures in a perfect world...our court systems find themselves with the reality that funding for our courts (our court staff, prosecutors, court appointed counsel etc) is declining. The dollars are far fewer. Why change your local system? I find bail forfeitures are preferable and in the public's interest. My suggestion is leave bail forfeitures alone. Dan

Judge Michael Morgan: I UNDERSTAND SOME OF THE DUE PROCESS CONCERNS WITH BAIL FORFEITURES SO OUR COURT HAS A 1 PAGE FORM (SIMILAR TO A GUILTY PLEA FORM) EXPLAINING THE CONSEQUENCES OF A BAIL FORFEITURE (SUCH AS WITH DOL) THAT A DEFENDANT MUST SIGN AND REVIEW BEFORE I ACCEPT A FORFEITURE. MIKE

Judge Darvin Zimmerman: I'm with Judges Morgan and Phillips and see no harm with BF's on the typical game cases or DWS III mentioned below. Trying for complete consistency between all courts in the state is noble, possibly, but a lost cause. E.g. what works well for us as a larger county may not work at all for a smaller one day a week type court. We have complete separate dockets for DWS III and typically reduce them to infractions with PA/CA's approval once they have gotten reinstated.

A judge that allows a BF in a DUI has some serious explaining to do such as the mandatory minimums not being followed or even the requirement to set conditions of release. I make it a practice to have the PA or CA approve all BF's and it usually involves someone out of state that we most likely wouldn't get back anyway. And it is done very seldom and only on those that I wouldn't give jail time to in any event. Since the PA/CA could move to dismiss the case anyway I see little difference in allowing them to approve of a BF. Try to regulate this practice by saying no BF's and it will reduce revenue and result in stays or some other less successful and more time consuming process that accomplishes even less justice.

In short...since it doesn't seem to be broke, why are we fixing this again?

Vote soon...

P.S. Seem like there should be some computer savvy person out there who could set up a vote of the membership? So far it's 3 to zip to leave it alone.

Judge Bradley Anderson: Bail forfeitures seem like an inappropriate way to handle criminal offenses. The problem, however, is not with bail forfeitures. The problem is that Washington has, for far too long, made what should be civil offenses (e.g. game offenses) into crimes. While a huge endeavor, the legislature should review and revamp the laws to reclassify the petty offenses to civil infractions. It would save tons of money (e.g. public defenders, trial, etc) and probably create a larger source of revenue.

Having said that, bail forfeitures are probably a necessary evil to flush out offenses that should not be crimes. Probably does not help the discussion, but I feel a lot better having got that off my chest.

Judge Philip Van De Veer: Perhaps we can do both at once. I learn and benefit from hearing from the other judges on the listserv. The Board will gain a better understanding if the opinions and diverse practices of the various judges are expressed and vetted on the listserv. The Board members on the listserv can then forward the various comments on the subject for the full Board's consideration.

I don't utilize bail forfeitures very often (fishing without license), but it is a handy tool to have in the toolbox. Tinker and, perhaps, standardize the practice, but don't take it away (Remember the mess a few years ago involving SOCs). If you do standardize the practice, make sure to first check with the small courts, so we don't wind up with a King County solution imposed back in the hollow. Thank you.

Judge Dave Edwards: Please don't. One of the quickest ways to break something is to fix it when it isn't broken.

Judge Jerry Roach: We follow a similar procedure (*referring to Judge Michael Morgan's e-mail*) in fish and game violation forfeitures.

Judge Kevin Roy: Pass a rule that allows bail forfeiture on certain cases (listed) after advice of rights to include right to first talk to an attorney. Grant the authority so judges don't get into trouble.

Judge Alicia Nakata: Madam President and DMCJA Board: I am in favor of the rule change abolishing bail forfeiture.

Most of the comments in favor of maintaining bail forfeiture really seem to have to do with the politics of whether or not an offense should be a criminal charge or an infraction. I assume that the jurisdictions that routinely allow bail forfeiture on DWLS 3 and fishing violations have a prosecutor and a judge that believe that jail time is inappropriate for the offense. This is an issue that should be addressed at the legislative level and WAPA as well as the DMCJA, if appropriate, can weigh in, or judges individually can put forward their position if they choose to do so. In our area because we spend millions of dollars on restoring steelhead/salmon runs, we take very seriously some of the "Rec. fishing viols." depending on their location and what exactly the fisherman/poacher is doing. We also take very seriously some repeat DWLS 3 offenders. If the Leg. chooses to decriminalize these violations, we will act accordingly. However, I suspect that the loss of bail forfeiture as an option may cause those with concerns to go the Leg. and ask that the law address the violations in more specific categories, with some being infractions and others remaining a criminal offense. This may be true for DWLS 3, such as 1st offenses and/or 2nd offenses being infractions and the 3rd carrying jail making it a crime, or some similar scheme. This would then make a more consistent application of the law throughout the State.

Sent 12/18/08 to DMCJA List Serve via e-mail

Dear Colleagues:

At both the October and November 2008 DMCJA Board meetings, the Board engaged in a lively discussion of the proposed possible amendment of CrRLJ 3.2 to prohibit bail forfeiture as the final disposition of criminal matters. Copies of the full minutes are available at www.dmcja.org. The Board's meeting in November was extended by a considerable amount of time to allow full discussion of all of the issues raised. These same issues had been discussed and voted on similarly by the prior DMCJA Board in November 2007 with action thereafter stayed at the request of several members for further review.

The thoughtful discussion on this topic reflected strongly the Board's sense of all of the comments that you so generously provided in response to my previous 'broadcast' e-mail on this topic. In addition, the Board considered the comments provided by the Rules Committee and by the Long Range Planning Committee. Personally I would like to thank all of you that participated in this discussion whether in person, by committee or by e-mail. The comments were thoughtful and helpful to the Board in reaching its decision.

The majority of Board members decided that significant due process concerns out-weigh the 'convenience' or 'time-saving' argument. There are other effective ways of handling these types of cases (largely DWLS3 and Fish & Wildlife violations) that do not create the same practical and constitutional due process issues. Some courts are already conducting pre-filing diversion as well as pre-trial diversion agreements, and re-licensing calendars. A report on these topics is pending from the Office of Public Defense (OPD). These 'best practices' have been recommended by the Board to be included in future Education programming for DMCJA members. The Board vote included a recognition that it is the prosecuting authority to determine alternatives to the bail forfeiture process to resolve these types of cases. Prosecution alternatives might include full prosecution and accompanying defense, delay of arraignment to obtain a licence, amendment to infractions, post-filing diversion or other options.

Ultimately, the Board voted (7-3) to recommend amendment to CrRLJ 3.2 (m), (o)(3), (r), (s), (t) and (u), to eliminate all of the provisions for bail forfeiture as a final disposition of criminal charges and the listing of criminal penalties in court rule. The amendments recognize that the policy-making authority to set criminal penalties is most appropriately exercised by the Legislature and/or delegated executive agencies acting under the Administrative Procedures Act, rather than the Courts.

The Board's action in November 2007 also included an amendment to CrRLJ 3.2(o)(1) modifying the uniform bail for pre trial release amounts to \$500 for a misdemeanor and \$1000 for a gross misdemeanor unless the court has established a local bail schedule or unless the court sees the defendant in court. This 2007 action of the Board will be submitted to the Supreme Court for approval together with the recommendations list above.

Consistent with the process with most proposed rule changes, these recommendations will be sent to the Board for Judicial Administration (BJA) for consideration, and then to the Supreme Court. This rule-making process will take time, and will provide additional opportunity for formal and informal comment for all of our DMCJA members and judicial partners.

We further anticipate that executive agencies such as DOL, Parks, and Fish and Wildlife will appreciate that we are not requesting immediately implementation of the change to the penalty-setting provision, as we expect that significant collaborative efforts must be made between the AOC, the Legislature and the executive agencies involved.

Again, on behalf of the Board and Officers of the DMCJA, I want to thank you all for your interest in this topic. We will continue to keep you advised as this process moves forward.

Marilyn Paja
2008/09 DMCJA President

Judge Marilyn Paja
Kitsap County District Court
614 Division Street, MS-25
Port Orchard, WA 98366
telephone: 360-337-7261
e-mail: mpaja@co.kitsap.wa.us



WASHINGTON COURTS

BOARD FOR JUDICIAL ADMINISTRATION

February 4, 2009

Honorable Bruce Hilyer, Presiding Judge
King County Superior Court
516 Third Avenue, Room C-203
Seattle, WA 98104-2361

Dear Judge Hilyer:

At Monday evening's meeting of the Board for Judicial Administration's Executive Committee there was considerable discussion regarding a proposal we understood to be under consideration in King County to introduce legislation providing for a variety of local option user fees in the superior courts. The primary focus of our discussion was maintaining the integrity of the process for consideration of legislation affecting the administration of justice and preserving the unity of the judiciary before the legislature. Secondly, the relative merits of such a proposal, in concept, were discussed.

In recent years the judiciary, through the commitment of individual judges, the trial court associations, and the Board for Judicial Administration, has presented a united front to the legislature. While this has most visibly occurred under the banner of the Justice In Jeopardy Initiative, it has carried through on many other levels and fronts. The result of this unified approach has been unprecedented success in advancing the policy goals of the entire judiciary. Most significantly, we have gained the funding necessary to launch and support those policy goals in the form of real programs.

The commitment to unity and speaking with a single voice is firmly rooted in a process which provides everyone an opportunity to participate and speak. Our continued success depends on maintaining the commitment to this process. The issues presented by a proposal to adopt local option user fees have significant practical implications for each individual court across our state. In addition, they implicate broader questions of access to justice. It is most particularly issues of this nature which require us to adhere to our commitment as judges, courts, court levels and as a branch of government to the process we instituted in the effort to present a united judiciary.

TEMPLE OF JUSTICE

415 12th Street West • PO Box 41174 • Olympia, WA 98504-1174
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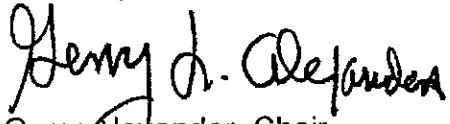
Letter to Honorable Bruce Hilyer
February 4, 2009
Page 2 of 2

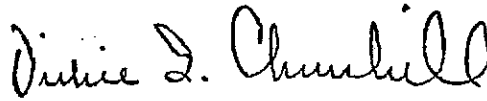
It is precisely this commitment to unity that caused the Executive Committee to defer taking a position on the concept of local option user fees in the absence of prior review and debate by the Superior Court Judges' Association and the District and Municipal Court Judges' Association. On behalf of the Board for Judicial Administration, we urge you and your fellow King County Superior Court judges to engage in the internal review process prior to taking a position as a court. While we understand the argument that, as a local option, no other court would be required to adopt any new fees, the reality is that every other superior court in the state would be placed in the position of responding to a request from their local funding authority to adopt a similar fee structure. And, the logical extension would be to enact similar local option fees in the courts of limited jurisdiction. We believe, in sum, that this is simply not a question for a single court to debate and pursue enactment without a broader discussion within the judiciary as a whole.

As you might expect, the discussion of the merits of local option user fees covered a wide range of issues: access to justice, the role of the judicial branch in raising revenue, and the short and long term budget implications in King County and in other jurisdictions across the state. What was absent from our discussion was your voice and perspective.

We look forward to the opportunity to work together with your court on this and other issues, as we have in the past. Please feel free to contact either of us regarding the substance of this letter at your convenience.

Sincerely,


Gerry Alexander, Chair
Board for Judicial Administration


Vickie I. Churchill, Member Chair
Board for Judicial Administration

cc: Judge Richard McDermott, President, Superior Court Judges' Association
Judge Marilyn Paja, President, District and Municipal Court Judges' Association
Board for Judicial Administration Members

Superior Court of the State of Washington for the County of King

Bruce W. Hilyer
Presiding Judge
(206) 296-9096

King County Courthouse
516 Third Avenue, Room C-203
Seattle, Washington 98104

February 6, 2009

Justice Gerry Alexander, Chair
Judge Vickie I. Churchill, Member Chair
Board for Judicial Administration
Temple of Justice
P.O. Box 41174
Olympia, WA 98504-1174

Dear Justice Alexander and Judge Churchill:

Your letter of February 4th concerns a bill proposed by the King County Executive and County Council which seeks local option authority for imposing user fees on superior court filings. This bill responds to the unprecedented and ongoing King County budget crisis.

Procedurally, the King County Superior Court Executive Committee voted in favor of supporting this bill in concept, with the understanding that the bill would permit implementation of any new local option fees only if passed by both the county legislative body and a majority of the judges. Since there was one dissenting vote within the Executive Committee, under our governing rules this issue is referred to the entire bench to decide. At our last meeting of the entire bench, this matter was postponed until the specific legislative language is available.

While we certainly understand the interest of the BJA and the SCJA in issues such as this, the bill was part of the Executive's and Council's request, intended to provide a life boat during this financial crisis. We have no control over the timing of their legislative package. Nevertheless, if the Executive and Council intend to advance this bill and request support from King County Superior Court, we look forward to the opportunity to discuss the critical need for new revenues afforded by such legislation.

The Justice in Jeopardy long term goal, to increase state funding for our courts, is laudable and deserving of our full support. However, the recent determination by Justice in Jeopardy to not address trial court financial support in this current financial storm clearly illustrates that this goal can only be pursued when the state is not in financial crisis. The vast majority of Superior Court funding across this state is provided at the local level, and for the foreseeable future, we trial courts must deal with what can only accurately be called a funding crisis. Those still tasked with keeping the boat afloat need to be given the water pails to do the bailing. During

the last budget cycle, King County Superior Court was required to find budget savings of almost twelve (12%) of our entire budget, and as you know and were most helpful in avoiding, we narrowly averted a constitutional crisis and successfully resisted the Executive's proposal to close Superior Court for ten (10) days this year, settling instead on a four day furlough while always remaining open.

We were successful in avoiding that unprecedented threat by eliciting strong public support from the bar associations, implementing efficiencies such as electronic filing and of particular significance, identifying new revenues, including more than \$1 million in new revenues through a new fee on ex parte matters. Unfortunately, and by way of example, because SCJA refused to back legislation allowing the court to charge this fee, we were forced to rely upon the clerk's statute. This alternative has proven problematic because it requires the lawyers to go to Ex Parte Department, then to the Clerk's Office then back down to the Ex Parte Department where they must wait again for the clerk to transmit the documents to the judicial officer. While the local bar associations understand the need for new revenues and supported the fee, they are understandably unhappy with the way in which it must be implemented because we could not obtain the authorizing legislation for a simpler process.

As we look at the next budget cycle for 2010, King County is facing an additional general fund deficit estimated today at \$40 million which will likely increase as the serious national economic decline continues. At this point, King County Superior Court has exhausted its fee and revenue options. King County is seeking additional general revenue authority through the state legislature, but given the state's own deficit and the resistance to increasing the tax burden in this time of dramatic recession, there is no assurance this effort will be successful. Our court has demonstrated publicly and within King County government that it is capable of firmly asserting its right to funding as an independent branch of government, but to assert that position with no significant contribution to the county's budget crisis may be naïve, when deep cuts are also being made in the Executive and Legislative Branches.

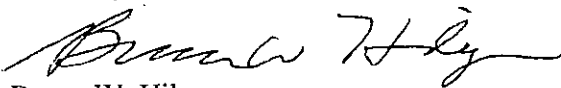
Against this background, the Justice in Jeopardy effort, while principled and with some notable successes, has not been sufficient to prevent King County Superior Court from sliding backward significantly. In that regard, we are concerned over the distribution of JIJ funds throughout the state which according to our calculations show that King County has received approximately fifteen (15 %) in 2007 and nineteen (19 %) in 2009 of JIJ funds when by either population or case filings a proportionate share would be closer to the level of 25-35%. The disparity in distribution of Justice in Jeopardy funds must be addressed in any future distributions.

Recognizing the advantages of speaking with one voice, King County has to this point refrained from making this an issue with the King County delegation to the State Legislature. If Justice in Jeopardy does not provide any solutions to the current trial court funding crisis before the 2010 county budget cycle commences, then some flexibility will be required to advance local solutions for those counties like King County that are in serious financial peril. The need is urgent and immediate. Another round of budget cuts similar to last year will devastate KCSC. The simple solution of "get tough" with your county is not realistic when the county is shutting

down popular social services and suspending public health services. While we agree that general tax support will always be paramount, the challenges we now confront may well result in unprecedented massive layoffs for court employees unless additional funding can be obtained by January 1, 2010. Thus, we hope that any discussion of the King County Executive's and Council's legislative package will be principled and will include a realistic discussion about the urgent need for new revenues and the drastic results and loss of jobs to court employees if they are not forthcoming.

Thank you for your consideration.

Sincerely,



Bruce W. Hilyer
Presiding Judge
King County Superior Court

cc: Judge Richard McDermott, President, Superior Court Judges' Association
Judge Marilyn Paja, President, District and Municipal Court Judges' Association
Board for Judicial Administration Members
King County Superior Court Judges
King County Executive
King County Councilmembers



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Justice Programs Manager
206 727-8282

joanf@wsba.org



THE ALLIANCE
for Equal Justice
SUPPORTER

February 18, 2009

Dear Members and Supporters of the Washington State Alliance for Equal Justice:

Access to the civil justice system is a fundamental right and it is the Access to Justice Board's mission to work to achieve equal access for those facing economic and other significant barriers.

The current budget deficits in state, county and local governments are creating pressure to cut court programs or find additional revenue sources to support the justice system. The needs are compelling and the budget deficits are expected to get worse. In response, King County is considering local option user fees in superior court (i.e., the ability to charge litigants for filing documents or making motions in civil cases). This is a very significant policy issue affecting the judicial branch statewide.

The idea of local option user fees has been considered and rejected in the past, for good reasons. Court fees and costs, even with a waiver program, significantly reduce access to justice. The ATJ Board believes that the court system, as one of three constitutionally established branches of state government, should be supported largely by general taxes, not by user fees. This core principle of access to justice should not be compromised for short-term expediency. The superior courts are a state-level court system and fees should be the same across the state. This is consistent with the conclusions of the Trial Court Funding Task Force's Funding Alternatives Work Group, which studied this issue as part of the Justice in Jeopardy Initiative.

The Access to Justice Board voted to oppose local option user fees on Friday, February 13, 2009. The vote was unanimous. We urge you to continue working to secure adequate funding for the courts and to oppose user fee proposals.

Sincerely,

Daniel S. Gottlieb, Chair
Access to Justice Board

cc: Ron Sims, King County Executive
King County Council Members, c/o Dow Constantine, Chair
King County Superior Court Judges, c/o Hon. Bruce Hilyer, Presiding Judge
Chief Justice Gerry Alexander, Chair, Board for Judicial Administration
Hon. Richard McDermott, President, Superior Court Judges Association
Hon. Marilyn G. Paja, President, District and Municipal Court Judges Association
Jeff Hall, State Court Administrator
Mark Johnson, President, Washington State Bar Association
Paula Littlewood, Executive Director, Washington State Bar Association
Hon. Lesley Allan, Chair, Civil Legal Aid Oversight Committee
Jim Bamberger, Director, Office of Civil Legal Aid

BOARD FOR JUDICIAL ADMINISTRATION

2009 Legislative Session

Positions taken as of 2/18/09

The legislature is now one-third of the way through a 105-day session. Approximately 2,500 bills, resolutions and memorials have been introduced to date. The last day for bills to be moved from their subject matter committees in their houses of origin is February 20th in the House of Representatives and February 25th in the Senate. Bills that have not passed into a fiscal committee or a rules committee will be considered "dead" for the remainder of the legislative session. The cut-off for house of origin fiscal committees is currently scheduled for March 2nd. The last day to consider bills in their houses of origin is March 12th.

BJA Request Legislation

Bill	Description	Position	Status, Comments
HB 1158 SB 5134	Electronic Juror Signatures Allowing electronic signatures on juror questionnaires	Request	HB is in House Rules SB has not been scheduled for hearing at this time.
HB 1159 SB 5135	King Co. district court judges Adding 5 judges to King County district court (phased in over 3 years)	Request	HB is in Rules. SB is on floor calendar and will be amended on floor to add removal of 2 Spokane district court judges and amend the title.
HB 1204 SB 5102	Benton Co. district court judges Adding 2 district court judges in Benton County	Request	HB is on floor calendar. SB passed Senate on 1/28.
HB 1205 SB 5205	Court of appeals judges Adding one judge to division two, district two	Request	HB is in Ways & Means facing possible agreed to amendment. SB is in on floor calendar.
HB 1238 SB 5133	Juvenile case records access Allowing WSCCR and OPD access to records	Request	HB is on floor calendar. SB is in Human Services facing amendment.
HB 1937	State juror expenses funding Increasing juror pay and state funding	Request	Hearing will be in March. Senate will also be scheduled.

Legislation BJA has taken a position on as of February 18, 2009
(Bills with a "No Position" status are not listed.)

Bill	Description	Position	Status, Comments
HB 1147	Local option tax provisions	Support	No hearing scheduled at this time. Support maximizing availability of services but no position on tax policy – same for 1147, 5301, 5433
HB 1175	State govt. ethics	Concerns	Hearing 2/10. Concern re section 5 – state judicial officers should be

			excluded.
HB 1257	Deferred prosecution files	Support	Bill is in Rules. DMCJA bill. BJA Long Range Planning Committee.
HB 1317	Disclosure of public records	Concerns	Hearing on 1/30. Support amendment to add specific language to make certain bill applies to executive branch criminal justice agencies.
HB 1382	Expanding DNA collection to time of arrest	Concerns	Executive session 2/18. Oppose section 5(9) – new unrelated fee. Large fiscal note.
HB 1476	Requiring court to advise crime victims of their rights	Oppose	Hearing on 2/9. Suggested alternative to sponsor. Fiscal impact.
HB 1497	Eliminating certain boards and commissions	Concerns	No hearing scheduled at this time. Oppose elimination of Sentencing Guidelines Commission.
HB 1739 SB 5902	Adding nonwaivable penalty to parking violation to promote accessible communities for persons with disabilities	Concerns	HB hearing on 2/12 SB hearing on 2/19 BJA letter to committee
HB 1781 SB 5819	Changing OPD funding distribution between cities and counties	Concerns	No hearing scheduled on HB. SB hearing on 2/18.
HB 1862 SB 5782	Contracting for judicial services between jurisdictions	Oppose	HB hearing on 2/9. No hearing scheduled on SB.
HB 1902	Consolidating accounts into the general fund	Oppose	Hearing on 2/9 Oppose due to inclusion of Equal Justice Subaccount. Amendment possible.
HB 1919	Drug court funding	Support	Hearing on 2/16. SCJA bill.
HB 2211	SR 520 tolls	Oppose	Hearing on 2/18. Should use existing Narrows Bridge toll model.
HB 2216 SB 6025 HJR 4210	Transferring functions from WSBA to Supreme Court	Oppose	No hearing scheduled at this time.
SSB 5013	Increasing and adding fees at superior court level	Oppose	Bill is on floor calendar.
SB 5073	Consolidating accounts into the general fund	Oppose	Hearing on 2/3 Oppose due to inclusion of Equal Justice Subaccount. Amendment possible.
SB 5082 SB 5093	Filling supreme court vacancies through a	Oppose	No hearings have been scheduled on any of these bills at this time.

SJR 8203 SJR 8204	nominating commission		
SB 5115	Modifying the judicial conduct commission	Support	Executive action on 2/18. Support division between investigation and trial. Generally support additional members but notes COA concern about lack of ability to fill new position.
SB 5146	Revising the accrual of interest on judgments entered against offenders	Concerns	Referred to Ways & Means as amended by Judiciary.
SB 5151	Authorizing appointment of criminal court commissioners	Support	On floor calendar.
SB 5225	Updating property theft values	Support	Hearing on 2/3.
SB 5240	Making unenforceable court rules with fiscal impact	Oppose	Hearing on 1/27.
SB 5277	District court clerk fees	Support	On floor calendar. DMCJA bill.
SB 5301	Permissible uses for sales & use taxes	Support	Hearing on 2/5. Support maximizing availability of services but no position on tax policy – same for 1147, 5301, 5433
SB 5386	Electronic court recording	Oppose	No hearing scheduled at this time.
SB 5433	Local option tax provisions	Support	Hearing on 2/16. Support maximizing availability of services but no position on tax policy – same for 1147, 5301, 5433
SB 5577	Standardizing dependency forms	Concerns	Hearing on 2/12. Support with amendment to accomplish subject to the availability of funds and with extended deadline.
SB 5970	Telephonic hearings in civil and traffic cases	Oppose	No hearing scheduled at this time.
No bill at this time	CASA funding	Support	Support effort to retain partial CASA funding.
No bill at this time	Local option user fees	Oppose	